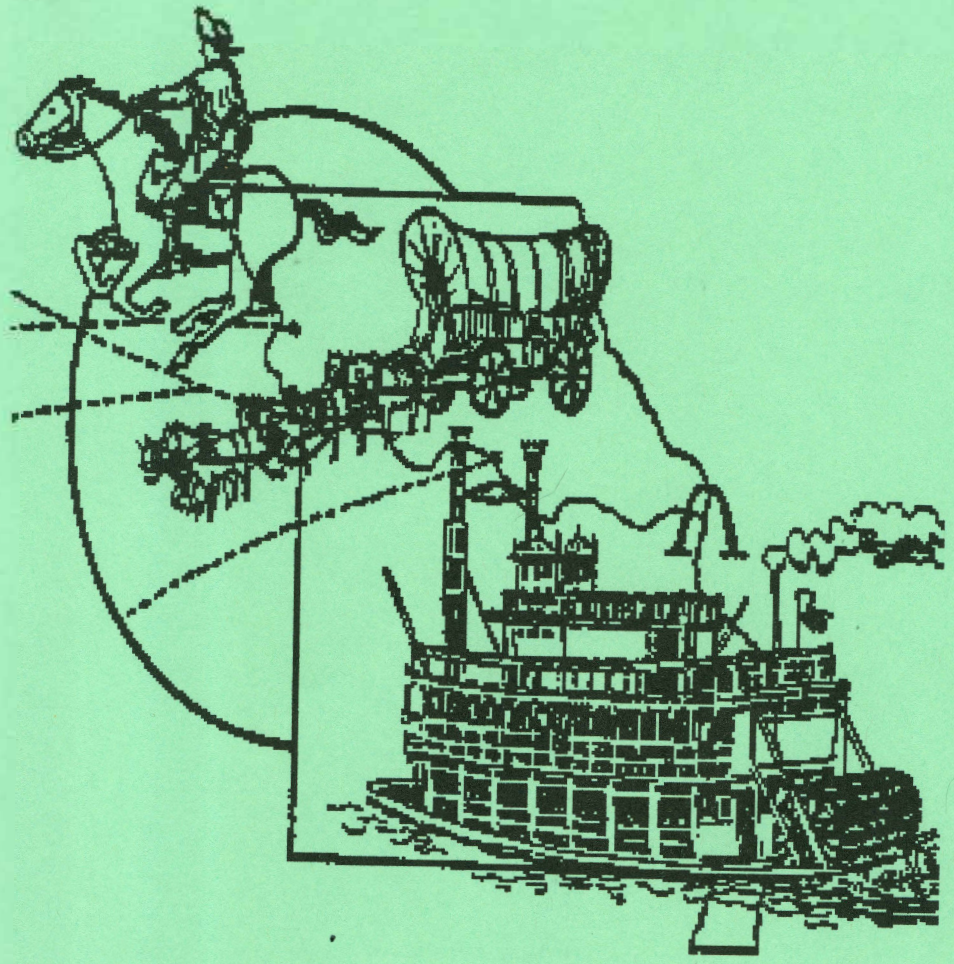

Toward The Setting Sun

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TOWARD THE SETTING SUN

The Historical Journal of the Missouri Conference

The United Methodist Church

Second Series

Volume 9 No. 1 Fall 2010

FROM THE EDITOR

Welcome to this anniversary edition of *Toward the Setting Sun.* Ten years ago, I returned to Missouri from Nashville, Tennessee and took up the editorial reins again. The journal began as part of the Bi-Centennial of American Methodism and the first issue came out in the spring of 1983. That first series continued until the fall issue of 1989, at

which point I could no longer keep up with the journal. So there was a hiatus until 2000, when the second series began. The work of preserving our history has been a labor of love and I appreciate the work so many people have done in contributing to that work. Joy Flanders and John Finley, of Central Methodist University, have supported the printing and distribution of the journal, as well as providing countless hours of research, study, and support for the Commission on Archives and History. To them, we all need to say "Thank you."

Now, a word about the writers for this issue. Stephanie Moore is a student at St. Paul School of Theology. We had a conversation in which she said she was interested in writing and how did she get started? I offered her a short "wish list" of articles I'd like to see in the journal, and she jumped on the beginnings of Methodism in Kansas City. She has also promised more articles for the future. If you enjoy this one, keep watching for more.

Martin K. Lawson was a member of the M.E. Church, South, of Liberty, Missouri. He was, essentially, the founding genius behind the Judicial Council. At the time of the merger in 1939, he was the President of the Judicial Council of the M.E. Church, South, and his legal opinion on the process of ratification of union by the South Church made the celebration in Kansas City possible. We are fortunate to have his first-hand account of the development of the Judicial Council in our pages.

The article on United Methodist (and its predecessors) institutions of higher learning is based on a pamphlet about those institutions, with some revisions and additions.

Joy Flanders is a member of the faculty at Central Methodist University and has been a member of the Historical Society of the United Methodist Church for many years.

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JAMES PORTER: THE PIONEER OF METHODISM IN KANSAS CITY

STEPHANIE MOORE

Tucked deep beneath towering apartments and a parking garage in the heart of a bustling city, lies an old, hilly cemetery with deeply-creviced, narrow dirt lanes, tall trees, leaning headstones, and seeding tufts of grass. Through the icy grounds of winter and the baked clay earth of smothering Missouri summers, through the tangles of tree roots and hog weeds and angry insects, the amorphous earth bubbles and heaves to tell the stories of the hundreds of graves tediously dug by hand long before motorized technologies came to tame the rugged terrain of this city. From majestic monuments to tired limestone markers jetting out of the ground like spikes--this is Union Cemetery, the oldest cemetery in Kansas City, Missouri.[1]

On the south end, near the cemetery's highest point, beyond the shadows of the trees where the sun trickles across the earth, a family marker rises like a steeple to pronounce the significance of the lives that once occupied this community. There the ground cradles the body of one of Kansas City's earliest pioneers. Her life story is written between the lines of brown and crinkled pages of nineteenth century history books. Like many women in American history, her name is never mentioned there, but the isolated grave of her husband and father of their three children, left behind on their family farm in Kentucky, whispers that her story moved on.

Elizabeth Porter and her husband, Samuel, lived in the colony of Virginia[2] when an army of American Indians banded together from various tribes to join a handful of British soldiers in the efforts of stripping American lands of its defiant settlers during the American Revolutionary War.[3] Small pockets of families living in community sparsely dotted the hillsides. With many husbands and fathers absent to fight a five-year-old war, these small settlements were easy targets for overtaking.

In 1780, the occupation reached Martin's Station where the Porters resided. Elizabeth and Samuel evaded the massacre, but they did not avoid capture. Elizabeth's

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[1] *Vital Historical Records of Jackson County, Missouri 1826-1876* (Kansas City, MO: The Kansas City Chapter Daughters of the American Revolution, 1933-1934), 279. This document reveals that other family cemeteries and one community cemetery existed before Union cemetery, but with the expansion of the city, the bodies of these cemeteries were removed, many to Union cemetery, and the lands redeveloped. Union Cemetery is the oldest cemetery that remains in 2010.

[2] The area of Virginia in which the Porters resided is now located in the state of Kentucky.

[3] John Grenier, *The First Way of War: American War Making on the Frontier, 1607-1814* (New York: Cambridge University Press, 2005), 158-159.

five-times great granddaughter, Louanne White, recounts the story of her grandmother, the young Elizabeth Porter, being marched along with her husband for hundreds of miles that summer.[4] As Louanne reports, although Samuel was also captured, Elizabeth's were the legs and back that carried their unborn child for weeks on foot until they reached Detroit, now modern-day Canada. There they were detained as prisoners of war for nearly three years, until the war ended in 1783, and the survivors were released and repatriated.[5]

A 1933 newspaper article from the Jamestown Press runs a more detailed account of the family's history. According to this article, the Porters had two children who were also captured and taken to Detroit, and a third who was born in captivity.[6] The article reads that the Porters were:

> "....imprisoned in stockades and log pens almost starving to death. Mrs. Porter cooked for the British officers and by putting extra bits of bread and meat in the dish water, would place it near the prison where her husband could reach out through the cracks between the logs and get enough in addition to the scanty prison food to keep alive. A few months after arriving at the British prison the third child was born. When this babe was about two years old Mrs. Porter and children were taken within the Patriot lines and after much exposure from cold reached her people at Holstein, Virginia, making the journey on foot, carrying the baby and leading the others.
>
> Mr. Porter was kept prisoner until after the surrender of all the British troops. After three years of separation, not knowing their fate, he found them at the old homestead in Virginia.
>
> They settled in Russell county, Va. where four more children were born. The names of these were Hugh, Samuel, James, Thomas, John, Margaret and Tobitha."[7]

Varying reports exist as to which children were the eldest, those taken into captivity. According to Charles Claghorn in Women Patriots of the American Revolution: a biographical dictionary, two sons and a daughter lived as prisoners of war

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[4] Interview with Louanne White on September 10, and September 30, 2010. She is responsible for the research warranting a commemorative plaque presented by the Daughters of the American Revolution that is mounted on the family marker at Union Cemetery.

[5] *Ibid.* In addition to sharing her ancestor's story, White provided copies of several articles that are contributive to her accounts, including Don Lee and Martha Pelfrey, "British Attacks Against Ruddle's & Martin's Stations in June 1780" in *Ruddlesforter VI-1:2* (Alexandria, KY: Ruddel and Martin Stations Historical Association, 1999); and Jeffrey M. Salem, "American Revolution Patriot Related to Gladstone Woman" in the *Sun Tribune* (Gladstone, MO: News Press & Gazette Co, 2009).

[6] "Marion Porter Feted--History of Family" in *The Jamestown Press*, Jamestown, Indiana, May 4, 1933. White was also the contributor of a copy of this article.

[7] *Ibid.*

with the Porters.[8] Though there is some question whether James was the third-born child, gauging by the birth date on his tombstone, this is unlikely the case. Most likely, the three children to which Claghorn is referring are Hugh, Samuel, and Margaret. Though James was born oblivious to the torments of his family's past, no doubt he grew up in the shadow of gratitude brought by the freedom of mundane life.

Fifty years after the family's capture, after moving home, raising several children,[9] and building up considerable wealth in Kentucky,[10] Samuel Porter was laid to rest on their family farm. Over the course of the next ten years, his grieving widow sold this land to her son, John, and moved to Tennessee to join James.[11]

Early in Elizabeth's eighth decade of life, she set out on a new adventure with James and his family. Thirty years after the purchase of the Louisiana Territory, James sold his plantation in Tennessee and pioneered west, taking with them whatever belongings might fit into covered wagons, along with their plethora of livestock, and twenty to thirty black slaves.[12] They miraculously made their way through the winding trails of the wilderness, unscathed, to the Kansas City area, then a rural area scant of people, around 1831.[13] With a great deal of vision, James Porter secured a thickly wooded piece of land not far from the Missouri River on present-day Troost Avenue, and together with his servants, began cutting down the trees for their home that stood impressively for nearly a hundred years.[14]

The landscape of America transitioned immensely during Elizabeth's lifetime. The Louisiana territory was occupied by the French in her earliest years of life. When she was twelve or thirteen (1762-1763), France ceded the land that now comprises the

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[8] Charles E. Claghorn, *Women Patriots of the American Revolution: a biographical dictionary* (Metuchen, N.J., & London: The Scarecrow Press, Inc., 1991), 153.

[9] According to White, the Porters lost at least one child to death. The date, time, or cause is unknown.

[10] Kentucky was part of the colony of Virginia until 1792.

[11] *Deed Book No. 8, 1827-1831: Russell County Virginia* (Lebanon, VA: Genealogical Society of Utah, 31 Aug, 1953), 291.

[12] Carrie Westlake Whitney, *Kansas City Missouri: Its History and Its People, 1808-1908* (Chicago: S. J. Clarke Publishing Co, 1908), 411.

[13] Howard L. Conard, ed., *Encyclopedia of the History of Missouri, a Compendium of History and Biography for Ready Reference* (New York: Haldeman, Conard & Co, 1901), 359. Other accounts cite Porter's arrival at later dates. For instance, in Phyllis Edwards Kite, *Golden Threads of Memories: History of Westport Methodist Church (*Kansas City: The Author, 1964), 23, he arrived in 1832.

[14] Whitney, 411.

state of Missouri to Spain, where it remained under Spanish occupation and rule for forty years, until the Louisiana Purchase of 1803, when Elizabeth was fifty-three.

In History of United Methodist Churches of Missouri, Richard Seaton reminds us that up until this point, although designated to the Tennessee Conference, Protestant preachers were forbidden to preach in the Missouri area during the Spanish occupation.[15] Only Roman Catholic missionaries were permitted by the governing authorities to evangelize west of the Mississippi River. Methodists were quick to respond to this acquisition by the United States, flooding into this newly available territory. This sudden growth resulted in the breaking of a portion of the Tennessee Conference into the Missouri Conference in 1816. This conference included an expanse of land encompassing today's Illinois, Arkansas, Missouri, part of Indiana, and everything west of there.[16] Five years later, in 1821, Missouri became the 23rd state of the union.

Some might question why Porter would leave the success and wealth of the relatively young state of Tennessee (although admittedly he put forth the tedious effort of bringing most of his wealth with him) for the unknown of the western frontier. Perhaps Phyllis Edwards Kite, in Golden Threads of Memories, History of Westport Methodist Church, provides some clue when she states that James Porter was "one profoundly interested in the saving of souls."[17] Though hardly the typical picture of the frail and dime-less, self-sacrificing circuit riders who might have been expected by John Wesley to leave their wives, kids, and mothers at home, James Porter is significant to Methodist history because he was the first Protestant preacher in Kansas City, Missouri.[18] Porter arrived when Westport was a small, independent settlement. Kansas City would not be chartered as the Town of Kansas, a separate town from Westport divided by several wooded miles, for several years more. Sometime soon after his arrival, Porter took to the outdoors to preach to these earliest settlers. He would soon secure relationships with a number of key community leaders, the entrepreneurs upon whose vision this great city would be built. These faithful friends and fellow-

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[15] Richard Seaton, ed. *History of the United Methodist Churches of Missouri* (Missouri Methodist Historical Society, 1984), 5.

[16] Seaton, 5.

[17] Kite, 23.

[18] Conard, 360.

missioners would also become the key lay members who chartered and built the first Methodist churches of today's Kansas City.

In 1832, John C. McCoy, the son of the first proprietor of the land now known as Westport, built a store, divided the land into lots for sale, and gave Westport its name, for "it was to be the port of entry into the great western country."[19] Four years later he sold his store to Colonel William M. Chick, tried his hand at surveying for a season, and eventually took over the responsibilities of Dr. Johnston Lykins, his brother-in-law, as the second postmaster.[20] The latter two of these men and their rarely named wives were instrumental not only in the development of Kansas City, but in the growth of the Methodist movement in Westport and the Town of Kansas, two small and separate communities in these early beginnings.

Aside from preaching outdoors, Porter's ministry began in the Westport home of Colonel and Mrs. Chick. Kite suggests that the first Methodist congregation of Westport was organized in 1836, well before a school house or church had ever been erected.[21] Likewise, in The Methodist Church in Missouri, 1798-1939, Frank C. Tucker also writes that the church in Westport was organized in 1836, in the Chick home.[22] Kite goes on to explain that within that same year, the Methodist Church at Westport became part of the Independence circuit.[23] The implication for this transition is that Porter's responsibilities for his new church start had concluded, and a new minister was sent to take his place.[24]

Interestingly enough, the story for Porter only begins here. Both Whitney and Tucker report that the Chick family moved from Westport to the Town of Kansas in 1844.[25] By 1845, Porter was preaching regularly in a schoolhouse built by James Hickman and others for the dual purpose of education and church.[26] Whitney writes,

> In 1845 the Rev. Mr. Porter began preaching in the log school house at Missouri avenue and Walnut street. In the forests near the school house,

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[19] Charles P. Deatherage, *Early History of Greater Kansas City Missouri and Kansas,* Vol. I. (Kansas City: C.P. Deatherage, 1927), 251.

[20] Kite, 21. See also Deatherage, 251.

[21] *Ibid.,* 23.

[22] Frank C. Tucker, *The Methodist Church in Missouri, 1798-1939: A Brief History* (Nashville, TN: Parthenon Press, 1967), 85-86.

[23] Kite, 23.

[24] *Ibid.*, 13.

[25] Whitney, 412.

[26] *Ibid.*

> the weather being warm, in the summer of 1845 Mr. Porter organized an association of the Methodist Episcopal Church South. In response to the invitation of the preacher, Mr. Porter, those who wished to join the church should take their seats on a log nearby, five persons responded. These five persons were Mrs. James Porter his wife, James Hickman, Colonel Wm. M. Chick and his wife, Ann Eliza Chick, and a Mrs. Smith.[27]

Today a mural of Porter hangs in Central United Methodist Church, now located between Brookside and Oak streets. The mural is a painting of Preacher Porter delivering his sermon to a handful of gatherers in the woods. In the mural, Porter's wife, Jane, is sitting on a log while their only son, Jesse, lies peacefully on a blanket near her feet. This mural recounts the first organized Methodist Society of Kansas City. Once again, Porter worked himself out of a job. According to W. S. Woodard in Annals of Methodism in Missouri, "Soon after this, Kansas City became an appointment in the Independence circuit."[28] However, Porter, a mere local preacher and outsider to the Missouri Conference, bears responsibility for being the author of Methodism in Kansas City. With the help of his own collection of circuit riders, a core group of faithful members who laid the foundation for both the Westport and Kansas City congregations, their legacy peppers the Kansas City metro still today. For a season these two churches shared a charge with each other on the Independence circuit.

Another key Methodist figure, who would be instrumental in the treatment of wounded soldiers during the American Civil War, is Dr. Johnston Lykins. According to Conard, Lykins built a second frame schoolhouse for the Kansas City church nearer the river to accommodate their expanding congregation.[29] The first Protestant church building of Kansas City, a red brick structure built on 5th street, was later erected by Lykins and others within the congregation in 1852.[30] This was the first church building of today's Central United Methodist Church, then a congregation of the Methodist Episcopal Church, South. This would be the only Protestant church in Kansas City until well after the American Civil War.[31]

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[27] Whitney, 412.

[28] W. S. Woodard, *Annals of Methodism in Missouri* (Columbia, MO: E. W. Stephens, Publisher and Binder, 1893), 281.

[29] Conard, 360.

[30] Whitney, 412.

[31] Deatherage, 560.

Unfortunately, Porter never saw this accomplishment come to fruition. He died the year before in 1851, just six years after his mother who lived five years shy of a century of life, and four years after his dear friend, William Chick, who died of pneumonia in 1846.[32] The Chicks, the McCoys, and the Lykins, among many others, were buried in their family cemeteries until their bodies were exhumed and moved to Union Cemetery. Around 1893, the Porter graves were relocated when Lucy Porter, the widow of James' and Jane's only child, Jesse, donated that portion of land to Troost Avenue Methodist Church.[33]

The Troost Avenue church was just one of many daughter ministries that sprang up around the Kansas City area as a result of Porter's congregations. Over the next one and a half centuries, Della Lamb Community Services, Spofford Home, The Shepherd's Center, and Kingswood Manor, would spring forth from the seeds of Porter's planting to provide shelter and nourishment to Kansas City families of all generations in need still today.[34] Education was also a priority of Methodism throughout the centuries. Scarritt College, now of Nashville, began in Kansas City as a result of the central church.[35] Even the University of Missouri, Kansas City, is rooted in these earliest Methodist ministries. Saint Paul School of Theology, "originally located across from Central," also has its beginnings in this congregation.[36] Methodists stemming from these earliest congregations are responsible for the building of a number of hospitals and public schools still in existence today.

Although the details surrounding Porter late in his life become less certain, what is clear is the lasting impact of his ministry for Methodism in Kansas City. The son of war prisoners, a restless pioneer preacher, and a gatherer of saints, the grave of James Porter is enfolded in a nearly-forgotten cemetery in the heart of the city he was instrumental in building. Though his family marker is majestic for its age, it stands humbly beneath the hundreds of steeples that pierce today's Kansas City skies. Silently and majestically, they bear witness to the initiative and call of the pioneer preacher from the Tennessee Conference, the Rev. James Porter.

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[32] Parks & Recreation: Union Cemetery; a Walking Tour [brochure], Kansas City, MO., 2001 *ff.*
[33] Whitney, 414.
[34] Seaton, 62, 398-399.
[35] *Ibid.*
[36] *Ibid.*

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The Genesis and Development of the Judicial Council of the Methodist Church

Martin K. Lawson

The Methodist Episcopal Church was organized in the United States at the Christmas Conference in Baltimore, Maryland in 1784. Of course there had been less formal organizations and work under Methodist leaders for many yeas before that date. Conferences in the new organization were held each year and ministers were assigned to their work. The ministers were subject to trial and expulsion in a sort of hap-hazard way. The General Conference prior to 1812 was composed of all the traveling ministers who had served four years or more. Such conferences had power to do anything they pleased. No rules restrained and no limitations bound them except those they created. The General Conference itself, was the legislative and the judicial authority in the church and to a large extent the executive branch also.

In 1808 it was decided that the Church had become so large and its territory so extensive and the means of transportation so hard and hazardous, that the Church should be organized so as to make the General Conference a delegated body. It was deemed best to place certain restrictions and limitations upon the delegated General Conference, and certain limitations known as the "Restrictive Rules", delimiting those things the General Conference could not do, were enacted. Those restrictive rules have continued until this date and have a wholesome steadying influence, restraining some General Conferences from actions that might have had injurious tendencies.

The General Conference of 1808 was then the supreme power in the Church and could legally create the delegated General Conference of the future and could prescribe its powers and create limitations upon it. The annual conferences were given final authority under such restrictions to do the things inhibited in the General Conferences. The first delegated General Conference was held in 1812.

One of the restrictive rules was as follows: The General Conference "shall not do away with the privileges of our ministers or preachers, of trial by a committee and of an appeal: neither shall it do away with the privileges of our members of trial before the Church, or by a committee, and of an appeal." (Tigert, *Constitutional History*, 6th ed., pages 305, 312)

The General Conference of the Methodist Episcopal Church, at its session in May, 1892, declared such clause to be constitutional. (*General Conference Journal*, Vol. XII, pages 206, 208).

So it appears that in 1808 there was a firmly established rule in the Church that a member or minister accused of wrongdoing had a right to a trial, and if convicted a right to appeal, and all that the said restrictive rule did was to safeguard that rule against repeal by some future General Conference. The trial by a committee instead of by the entire annual conference, or church, or other body, it seems, originated in a conference held in 1779 in which one Philip Gatch was quite preeminent. Doctor (afterward Bishop) J. J. Tigert, in the *Constitutional History of American Methodism* says of Philip Gatch – "the Church owes to him a most important rule of administration: The trial of accused members by a committee, instead of the previous clerical right of excommunication."

The Church has always recognized and protected the rights of its members, both of ministers and of the laity. If an authority in the Church, acting within the scope of its apparent authority, violates the rights of anyone, or if anyone feels that his rights have been denied or invaded, he has a right to appeal to the next higher authority.

I am here discussing the Supreme Court of the Church, the Judicial Council, its genesis and growth, its jurisdiction and authority. The appellate jurisdiction for individuals in church trials, in various situations is clearly stated in our Discipline and need not be repeated here.

The Judicial Council did not evolve from obscurity at one stroke of a pen, nor at one time. It came to its present status as the result of evolutionary growth, based on the action of the Southern Church in 1910.

At the General Conference of 1792, while that conference was yet supreme, provision was made for the trial of preachers accused of immorality, improper conduct, and heresy. The right of appeal from a lower to a higher court was also sustained and secured. (Tigert's *Constitutional History*, 6th ed., page 265)

The above quoted Restrictive Rule also appeared in the Methodist Protestant Church Discipline as early, at least, as 1839. (See *Discipline*, 1839, page 25) It continued in the three separate Church Disciplines down to the Uniting Conference in 1939, and in the Discipline of the Methodist Church until this date.

The facts leading up to the creation of the first court of final resort were as follows:

I was first elected to the General Conference of the Methodist Episcopal Church, South, for the 1910 General Conference at Asheville, North Carolina. The appeal of a minister was pending there. The defendant did not appear; and Bishop Hendrix, presiding in the appellate committee, appointed me to represent the defendant. The judgment was reversed and the case remanded for a new trial.

That experience brought to my attention a strange situation. The Church law was such that appeals of ministers from the trial committee were returnable to the next General Conference and were there submitted to the Committee on Appeals. That committee examined the record and such briefs as were furnished by the parties, and heard argument by the representatives of the appellant and of the Church, and then decided the case, reporting the result to the General Conference. If an innocent man was convicted and appealed, he was of course, suspended until his appeal was decided in the General Conference, from one to three years later. He could not preach in our church, or any other Church, until that appeal was decided, or if he did, his appeal would be dismissed because of contumacy. The fault was in the long delay. If he was guilty, the Church was embarrassed for the same length of time.

Again, no case appealed to the General Conference received the careful hearing it merited. The Committee on Appeals was selected by the various annual conference delegations to the General Conference. Usually the member selected from a delegation also served on other committees holding meetings at the same hour, or was engaged in preparing reports, trying to elect himself or some friend to the office of Bishop, Secretary, or other office, and thus the appellant was lucky if his case received careful attention. The ablest men on the Appeals Committee were busy on other important committees. While I would not admit that I was a "visionary", yet I was still young enough to be in the "vision" stage. I thought a better method of hearing such appeals should be provided and I was reckless enough to attempt to do it. I drew a bill creating a "Court of Appeals," a court whose decisions should be final and that should meet at least once a year to pass upon the appeals of ministers. I took the bill to Bishop Alphaeus Wilson, regarded as an excellent ecclesiastical lawyer, and he approved it and urged me to procure its adoption.

On May 11, 1910 on call for bills, resolutions, and so forth, the Missouri Conference delegation introduced the bill I had prepared and it was referred to the Itinerancy Committee. The chairman of that committee was the distinguished Dr. John O. Willson of South Carolina. I appeared before that committee and presented my proposed bill and asked that it be approved. I was informed that the committee endorsed the idea, but the name must be changed to "Committee of Appeals" They disliked the name "Court". They also wanted a Bishop to preside. I had provided for a court of four ministers and three laymen. The committee provided for a Bishop, to be selected by the College of Bishops, to preside (and I surmise to keep the members from making mistakes by having a Bishop presiding).

The Itinerancy Committee reported the bill favorably and it passed and became law. The bill as adopted May 21, 1910 reads in part thus:

Appeals
Section I

Paragraph 316. There shall be a Committee of Appeals to review and determine all cases of appeals by traveling preachers. The committee shall be composed of one Bishop, to be selected by the College of Bishops, having regard to the accessibility of the Bishop of that year, and also four traveling ministers who are elders, and three laymen, to be elected by the General Conference on the nomination of the Committee on Itinerancy for a term expiring at the succeeding General Conference.

Paragraph 317. The Bishop shall preside at all meetings of the committee, and a vote of four members of said committee concurring shall be sufficient to decide all questions.

Paragraph 320C. When a case is called for hearing, the appellant shall file a written statement of the errors complained of by him and of the reasons assigned by him, and upon which he relies, for a reversal of the decision. The appellant shall then, either in person or by his representative, state the grounds of his appeal, and he shall be permitted to make his argument without interruption, so long as his defense is within the record of the case.

The representative of the committee of trial of the Annual Conference from which the appeal is taken shall then be permitted to respond, and the appellant may reply thereto. At the conclusion of such argument, the committee shall consider the case privately and announce its decision to the respective parties. If necessary, the committee may take under advisement for such time as may be

necessary to properly examine the same, and notify the parties of the decision by letter, if they are not present when the decision is rendered. If either party have no representative present, the committee shall appoint some representative for such party. The decision of such committee shall be final, and it shall report its' decision to the next General Conference for record by that body.

Paragraph 320H. The Committee of Appeals may reverse the decision of the trial committee, in which case the accused minister shall by said decision be restored to the same position as if no trial had occurred. Or it may remand the case for its new trial. Or it may affirm the judgment of the lower court. In all cases, the secretary of the Committee of Appeals shall notify the Annual Conference from which the appeal is taken of its decision, and if a written decision is filed, shall send a copy of the same therewith. If the case is remanded for a new trial, the secretary shall cause to be transmitted to the Annual Conference from which the appeal is taken all records and documents sent up with the appeal, to be used, if needed, in a new trial of the case.

Paragraph 320I. The expense of the committee, including the traveling and hotel expenses of the members thereof, shall be paid as are the expenses of the General Conference.

As same appears from *General Conference Journal*, 1910, page 316, and *Discipline* 1910.

The Committee of Appeals was to be nominated by the Itinerancy Committee and elected by the General Conference. The term of office of the members was four years, ending at each General Conference, but a question arose as to whether we could legally sit during the next General Conference, or whether our terms ended with the beginning of that General Conference. The law was amended by the 1914 General Conference to make the terms of the members of the Judicial Council end at the close of the next General Conference. Its sole jurisdiction was to hear and decide appeals of ministers. Its decisions were final. It was the first court of last resort in the Methodist Churches. It was an innovation, but it worked well.

The first Committee on Appeals was elected in 1910, and it was composed of John M. Barcus, T.D. Ellis, H.B. Reams, I.G. Thompson, all ministers, and J.A. McCullough, E.C. O'Rear, and Martin E. Lawson, laymen. The Bishop selected by the College of Bishops presided, made such rulings as were necessary, but did not vote. Some of the Bishops were good executives and some were not good. Bishop DuBose

insisted that he ought to vote, especially if there was a tie vote. We did not reach a tie vote and that question remains unsettled.

The success of the new method of hearing and deciding appeals was such that the General Conference later added to the jurisdiction of the new court. Notice the expanding scope of such jurisdiction. In 1922, the General Conference passed a bill providing for the following addition to the jurisdiction of the Committee on Appeals, viz:

> The Committee of Appeals is hereby empowered and directed to sit as a Judiciary Committee to consider and decide all questions of law which may arise in the administration of the affairs of the General Boards and Committees of our church, either at home or in the foreign fields, upon the written request of one-third of the Board, attested by the Chairman and Secretary of the Board or Boards involved.
>
> (*General Conference Journal*, 1922, page 321)

Prior to 1926 the Methodist Episcopal Church, South, had a very doubtful constitution. None of us could be certain as to its extent. It was recognized that the Restrictive Rules were a part of the constitution. From time to time certain enactments of the General Conference were declared by the Bishops in a written objection addressed to the General Conference to be "Constitutional in their nature," and, therefore, not within the power of the General Conference to enact. In that case, the law as enacted was void unless two-thirds of the General Conference voted to adhere to its action in which event the proposed law was sent down to the annual conferences for consideration. If it was passed there by two-thirds of those voting, it became law and considered generally as a part of the constitution. Hence our constitution grew by accretion and was not easily understood.

In 1926 a bill was passed to provide for a commission to prepare a written constitution for the Methodist Episcopal Church, South. (*General Conference Journal*, 1926, page 161)

I happened to be appointed on that commission and later to become one of a subcommittee to prepare the judicial section of the proposed constitution. The whole committee appointed was: Bishop Warren A. Candler, Bishop Horace M. DuBose, Bishop U.V.W. Darlington, A.F. Watkins, T.D. Ellis, J.S. French, D.M. McLeod, A. Frank Smith, A.J. Lamar, Daniel C. Roper, C.S. Dunn, M.E. Lawson, H.E. Jackson,

J.T. Ellison, and George F. Maynard. (*General Conference Journal*, 1930, page 414)

The subcommittee was composed of J. Stewart French, Dr. (now Bishop) A. Frank Smith, Bishop U.V.W. Darlington, J.T. Ellison, and possibly others whose names I do not remember. The records are in Nashville, Tennessee. We were fortunate to have the expert knowledge of Dr. J. Steward French and the helpful suggestions of the Hon. J.T. Ellison. The report of the subcommittee was approved by the whole committee, and its provisions became a part of the proposed constitution. When the proposed constitution was submitted to the General Conference of 1930, it was defeated. The judicial section, however, had received such favorable commendation that the General Conference segregated that part of the proposed constitution and sent it down to the annual conferences as a constitutional matter. During the quadrennium, the Judicial Council proposal was submitted to all the annual conferences and was adopted by a vote Yea 5,098, Nay 1,158 – nearly five to one. The result was reported to the General Conference of 1934. (*General Conference Journal* 1934, page 370)

That law, becoming a part of the constitution in 1934, will be found in the Discipline of the Southern Church for 1934, paragraphs 334 to 342, inclusive. It provided for a Judicial Council composed of five ministers and four laymen, but no Bishop. The Judicial Council selected its own officers. The scope of its jurisdiction was wider than that of the old Committee of Appeals. It included appeals from acts of boards, commissions, and so forth, It approved or disapproved of rulings on law (but not parliamentary rulings) of the Bishops and other matters as provided by Acts of the General Conference. Its decisions were final. It could sit as a court of appeals at any time on call of the president. The terms of the members of the Judicial Council were for eight years, and after the first election, five were elected at one General Conference and four at the next, so that there was an experienced court at all times.

The First Judicial Council, elected in 1934, was composed of J.W. Johnson, W.G. Henry, A.J. Weeks, A.C. Millar, J. Stewart French, clerical, and Martin E. Lawson, R. L. Flowers, M.A. Childers, and O.A. Parks, laymen. Martin E. Lawson was chosen President; A.C. Miller, Vice-President; and J. Stewart French, Secretary.

In 1938, A. C Miller, J. Stewart French, M.A. Childers, and O. A. Parks whose terms had expired were reelected, and the same officers were also reelected and served until the churches united. Thus we came to the Uniting Conference in 1939 with a well

organized, efficient Judicial Council in the Methodist Episcopal Church, South. Its most outstanding decision was in the controversy over the legality of the union of the Churches. It was contended by some prominent members that it was necessary to procure the favorable vote in each and every annual conference before unification was possible and, as one conference had a negative majority of eight votes, the Methodist Episcopal Church, South, had not legally agreed. That technical point was urged with much vigor. The Bishops appealed to the Judicial Council. The question was fully argued, carefully considered by the Judicial Council, and an opinion filed sustaining the legality of unification, and overruling the contention that it required a majority of all the annual conferences. That opinion is too long to be inserted here, but as a great historical document it is and should be widely read. It may be found in the *Journal of the General Conference of the Methodist Episcopal Church, South*, for 1938, held at Birmingham, Alabama, pages 117 to 136 inclusive.

I am convinced that the argument of Collins Denny, Jr. on that question before the Judicial Council was one of the finest legal arguments I ever heard in any court, but as it was based in part on a phase of the law which we held to be an illegal insertion of certain words in the Restrictive Rules, our decision was that the union of the Churches was legally accomplished. I have never doubted the correctness of that decision.

We have thus outlined the Judicial Council and its predecessor in the Southern Church to show the development of the highest appellate machinery in that Church, which was transferred, with slight changes, to the united church.

In 1939, neither the Methodist Episcopal Church nor the Methodist Protestant Church had any appellate machinery like that of the southern church. The Supreme Judicial Tribunal in the Methodist Episcopal Church was the General Conference and it necessarily operated through a committee as did the Southern church prior to 1910. At each General Conference there was appointed a committee known as "The Committee on Judiciary." In recent years (prior to 1939) the Committee on Judiciary consisted of twenty-one members, of whom eleven were ministers and the rest were laymen. The laymen were usually lawyers. Prior to 1939, the chairman of this committee was, with rare exceptions, a lawyer, the most distinguished of them being Judge Henry Wad Rogers, Dean of the Northwestern Law School. He served for several quadrenniums.

To this committee was referred all of the rulings of the Bishops in the annual conferences during the preceding quadrennium, and all other legal questions that were brought up, either at that General Conference or during the quadrennium. The committee listened to arguments, studied the record, if any, considered any briefs submitted, and then handed down its decisions from time to time, in the form of reports to the General Conference, in the same manner as other committee reports. In view of the fact that the Committee on Judiciary had no final authority but was a committee of the General Conference, its decisions were not binding unless and until adopted by the General Conference. So far as the record goes, there was rarely any opposition to the decisions so reported and they were adopted, usually by a unanimous vote. I did see, however, one instance when a delegate who obviously knew very little about the principle involved, argued that an opinion written by Judge Rogers was erroneous, but the report containing the decision was adopted. The decisions of the committee reported to and approved by the General Conference up to 1924 were printed in a separate volume, edited by Judge Rogers, and printed by the Methodist Book Concern. The book is probably out of print now and copies, if any, must be scarce. Thus the General Conference was the final resort on appeal and it rarely overturned a decision of its committee. The committee was selected for that conference only and was not equal to a carefully selected body of men continuously and carefully considering cases. I was invited to sit with and observe the work of the Committee on Judiciary at the 1936 General Conference at Columbus, Ohio. I was at that time President of the Judicial Council of the Southern Church.

This sketch presents the method of handling appeals in the Methodist Episcopal Church, prior to unification.

In the Methodist Protestant Church, as stated above, the guaranty of the right of appeal persisted until unification in 1939. That church had no court of last resort, except the General Conference. Its procedure on appeals was as follows:

If a minister appealed from the decision of a committee, he had a right to a trial before the annual conference and the procedure was clearly outlined in the *Discipline.*

In an outline of the provisions of the constitution of the *Methodist Protestant Church Discipline* of 1932, at page 13, it is stated that it "gave to every accused person the right to challenge his jurors and appeal from their verdict." Each annual conference

had power "to hear and decide on appeals" (Discipline 1932, page 22). In the same Discipline, page 30, under the title "Discipline Judiciary" were the following constitutional provisions, viz:

Article XV
Discipline Judiciary

1. Whenever a majority of all the Annual Conferences shall officially call for a judicial decision on any rule or act of the General Conference, it shall be the duty of each and every Annual Conference to appoint, at its next session, two judicial delegates, one minister and one layman, having the same qualifications of eligibility as are required for representatives to the General Conference. The delegates thus chosen shall assemble at the place where the General Conference held its last session, on the third Wednesday in May following their appointment.
2. A majority of the delegates shall constitute a quorum; and if two-thirds of all present judge said rule or act of the General Conference unconstitutional, they shall have power to declare the same null and void.
3. Every decision of the judiciary, with the reasons thereof, shall be in writing, and shall be published in the periodicals belonging to this church. After the judiciary shall have performed the duties assigned it by this Constitution, its powers shall cease; and no other judiciary shall be created until after the session of the succeeding General Conference.

At the Uniting Conference in Kansas City in 1939, the Conference adopted, with some minor changes, the Judicial Council plan of the Methodist Episcopal Church, South. The council is a court of last resort. Its jurisdiction, powers, and procedure are fully described in the constitution (*Discipline* 1948, page 21, paragraphs 42 to 44, inclusive), and legislation of the General Conferences of the Methodist Church (*Discipline* 1948, paragraphs 901 to 917, inclusive) and other legislation set out in the *Discipline.* It is interesting to note that the inauguration of the court of last resort in the Southern Church gave jurisdiction only to pass upon appeals of ministers, and that through the evolution of such courts, the Judicial Council has no longer jurisdiction of appeals by ministers, save as to questions of law only, in some rare instances, but that the court has become a great arm of the Church, performing generally the same functions in the Church as the Supreme Court of the United States does in the Nation.

The appeal of a minister goes now to the Jurisdictional Judicial Councils, which are courts of last resort, except as to disputed questions of law which may be appealed to the Judicial Council, or if two of the Jurisdictional Judicial Councils disagree on a question, either court can send it to the Judicial Council, or the Judicial Council can

issue an order in the nature of a *writ of certiorari* requiring the two councils to send up their records and decision for final determination, so that all rulings on the law may be consistent and uniform.

The Church now has its legislative, executive, and judicial powers separated, as they should be. No longer is the legislative branch also the judicial authority, nor the Council of Bishops the final legal authority in the Church.

The Church is to be congratulated upon the proper separation of these powers and upon the adoption of a system of laws and regulations that are generally regarded as excellent.

I look back to that small start in 1910 and its development into a fine judicial system for our now, great Church, with considerable satisfaction.

Institutions of Higher Learning
The United Methodist Church in Missouri

United Methodists and their predecessor bodies have always been committed to education, and in particular to higher education. That stems from the Wesleyan insistence on an educated people, expressed in the hope "to unite the two so long divided, knowledge and vital piety." Today there is only one United Methodist institution of higher learning in Missouri, Central Methodist University in Fayette. But, in the past, there have been many more. This article, based on a brochure developed some years ago by the Historical Society of the United Methodist Church with information from the Missouri United Methodist Archives, reviews briefly those institutions.

Avalon Academy was an institution of the United Brethren in Christ, opened in 1869 by the Missouri Mission Conference. The village of Avalon was founded along with the Academy. In 1881, the name was changed to Avalon College. It moved to Trenton in 1890, partly because the railroad made the school more accessible to students. The school closed in 1899 and was turned over to another group in 1900. Renamed Ruskin College, it was merged into Campbell College in Holton, Kansas.

Bellevue Collegiate Institute of Caledonia, was an institution of the Methodist Episcopal Church, South. It began in 1867 as Bellevue Male and Female Academy. In 1869 it became affiliated with the St. Louis Conference. By 1870 it was an all male school and named Missouri Military School. A vote to relocate the school to Fredericktown was taken in 1894 (see Marvin Collegiate Institution). The Bellevue campus closed in 1901.

Carleton Institute in St. Francois County was begun in 1859 as a private institute. In 1883 it was moved to Farmington and deeded to the St. Louis Conference of the Methodist Episcopal Church, free of debt. It was one of the few institutes of higher education that was not closed during the Civil War. It closed in 1924.

Central College in Fayette, was chartered in 1854 as an institution of the Methodist Episcopal Church, South. It was taken over by the Union army during the Civil War. In 1927 it merged with Howard Payne College. The name was changed to Central Methodist College in 1961, and became Central Methodist University early in

the 21st century. The only United Methodist institution of higher education [save St. Paul School of Theology] in Missouri, it serves many satellite campuses, in addition to the Fayette campus. For years, the annual conferences in Missouri met at Central Methodist.

Central Female College, Lexington, Missouri, was an institution of the Methodist Episcopal Church, South. In began in 1868 as Marvin Institute (named for Bishop Marvin?). In 1871 it became Central College for Women. It closed in 1924 and the assets were transferred to Central College in Fayette.

Central Wesleyan College was an institution of the German Methodist Episcopal Church. It opened in 1864 along with the Western Orphan Asylum (to care for orphans of Union soldiers and others killed during the war). In 1869 it became the Central Wesleyan College and Orphan Asylum. The two institutions were separated in 1872. Central Wesleyan College operated until 1941. The college library, along with the records and some archival materials, were purchased by Truman State University in Kirksville, where they are still housed.

Cottey College in Nevada, was an institution of the Methodist Episcopal Church, South. It began as Vernon Seminary in 1884, and was taken over by the church in 1892. In 1924 the campus was given to the Southwest Missouri Conference. The school was acquired by the P.E.O. in 1927, and is still in operation as a college for women.

Danville Female Academy began as Prairie Lawn Seminary, under the leadership of first Thomas Wright and then Andrew Monroe. It was recognized by the Missouri Conference of the M.E. Church, South, but never received any financial support from the conference. It escaped damage during the Civil War when Bill Anderson's guerillas burned most of Danville, which at that time was the county seat of Montgomery County. The school closed after the war and moved to St. Joseph. The local M.E. Church South purchased the chapel building for use by the congregation as a church.

George R. Smith College in Sedalia was a venture of the Freedmen's Aid and Educational Society of the Methodist Episcopal Church. It opened in 1894, "devoted to the moral and intellectual culture of the colored people of the west." It was co-educational from the beginning. On April 26, 1925, the building burned and efforts to

rebuild failed. It merged into Philander Smith College, in Little Rock, Arkansas. During its 31 years of existence, it educated some 3000 students.

Howard Payne College in Fayette was an institution of the Methodist Episcopal Church, South. It took over the female students from Howard High School in 1854. The college was located across the street from Central College, and the two co-operated in many things, but remained separate until 1927. Part of Howard Payne Hall is still in use as a dormitory for Central Methodist University.

Johnson College, in Macon was begun by the Methodist Episcopal Church in 1869 and merged with the English and German College at Quincy, Illinois in 1875. It was jointly owned by the Missouri and Illinois Conferences. It 1876 the name was changed to Chaddock College.

Kansas City National Training School for Deaconesses and Missionaries was begun by the Women's Home Missionary Society of the Methodist Episcopal Church in 1899. Originally located in Kansas City, Kansas, it moved to Missouri in 1904. Later the name was changed to National College. It operated until 1964 when it merged with St. Paul School of Theology.

Kansas City University in Kansas City, Kansas began around 1896 as Mather College by the Methodist Protestant Church of Missouri. In 1913 the Kansas Conference of the United Brethren joined in the operation of the school. In 1926 the Methodist Protestant Church withdrew its support. The school went into foreclosure during the Great Depression. The United Brethren Church merged its interests with York College in Nebraska, which later merged with Westmar College in Iowa.

Lewis College in Glasgow opened in 1866, a venture of the Methodist Episcopal Church. From 1882 to 1891 it was controlled by a joint committee of the Missouri and St. Louis Conferences of that church. It closed in 1902 and the assets went to Central College in Fayette.

Lincoln and Lee University in Kansas city was a joint venture of the Methodist Episcopal Church, South, the Methodist Episcopal Church, and the Kansas City Chamber of Commerce. The school opened in 1926. In 1930 it merged with the then closed Kansas City University and reopened in 1933 with no church involvement. It is now known as the University of Missouri, Kansas City.

Marionville College in Marionville began as Lawrence County Normal Institute. The name was changed to Marionville Collegiate Institute in 1871 when the college was given to the St. Louis Conference of the Methodist Episcopal Church. In 1882 it became Marionville college and later Ozark Wesleyan College. In 1924 it was moved to Carthage. It was closed in 1932 and the assets sent to Central Wesleyan College in Warrenton.

Marthasville Seminary, Marthasville, was founded by the Evangelical Church in Missouri. It operated from 1850-1883 when it was moved to St. Louis, where it still operates as Eden Theological Seminary. Its most famous graduates are Reinhold and Richard Niebuhr.

Marvin Collegiate Institute in Fredericktown was begun in 1893 when the Methodist Episcopal Church South disassociated from Bellevue Collegiate Institute and began Marvin. (Again, one wonders if it was named for Bishop Marvin.) In 1910 the name was changed to Marvin College. It was closed in 1924 and the records sent to Central College in Fayette.

Maryville Seminary in Maryville was opened in 1889 by the Missouri Conference of the Methodist Episcopal Church. It was sold to the State of Missouri in 1906 and reopened as a State Normal School. Today it operates as Northwest Missouri State University.

Missouri Wesleyan College in Cameron began in 1883 as the Cameron Institute. In 1891 the Methodist Episcopal Church became involved and the name was changed to Missouri Wesleyan Institute. The name was changed again to Missouri Wesleyan College in 1897. It merged with Baker University in Baldwin City, Kansas in 1928-30.

Morrisville Collegiate Institute, Morrisville began operating as Morrisville Institute in 1871. It was adopted by the Southwest Conference of the Methodist Episcopal Church, South and incorporated in 1889. The name was changed to Morrisville College in 1890. It merged with Scarritt Collegiate Institute in 1908 and continued operating as Scarritt-Morrisville College. The school closed in 1924 and its assets were to have been transferred to Central College in Fayette.

Northwest Missouri College in Albany operated from 1877 to 1910 under the auspices of the Methodist Episcopal Church, South. In 1922 it was merged into Central College in Fayette.

Scarritt Bible and Training School in Kansas City was begun in 1889 by the Women's Foreign Missionary Society of the Methodist Episcopal Church South to "train deaconesses, missionaries, and other women in full-time work." It was relocated to Nashville in 1924 and continues to operate as the Scarritt-Bennett Institute.

Scarritt Collegiate Institute, Neosho, began operation in 1878 and was incorporated in 1888. It was associated with the Methodist Episcopal Church, South. It closed in 1905 and merged with Morrisville College in 1908.

St. Charles College, billed as "the first college west of the Mississippi," opened in 1836. (The honor really goes to the school that is now St. Louis University, opened in 1818. Perhaps the reference means the first Protestant college.) For years, pastors in the Methodist Episcopal Church, South, served as agents for the college, in addition to duties as a pastor or presiding elder. In 1885 the school began offering military training and was advertised as a "Methodist military school" in 1903. It closed in 1915.

Saint Paul School of Theology, Kansas City, was begun in 1958 by the Methodist Church. It was then called the "National Methodist Theological Seminary. Still in operation, it is one of the finest theological schools in the United Methodist Church.

Editor's Note: One of my dreams for this publication has long been that we'd find some histories of these educational institutions. Saint Paul School of Theology and Central Methodist University have their own histories. We did publish in these pages a brief history of George R. Smith College within this past year. But most of the others languish in obscurity. If anyone has access to records or histories of any of these institutions, and/or would like to research and write them up for publication in *Toward the Setting Sun*, please let me know. I'd be glad to help in any way I can. My email address is jogooch@aol.com. Or phone me at 816-415-0480. Thank you.

Missouri Host to Jurisdictional Historical Conference

Joy Flanders

The Missouri Commission on Archives and History hosted a Jurisdictional Convocation of Archivists in July, 2010. Twenty-five to thirty people attended the two-day meeting.

The General Secretary, Robert Williams, and Dale Patterson, the Archivist-Records Administrator, came from New Jersey and provided updates, guidance, and a wealth of knowledge for the event. Missouri archives staff, John Finley and Joy Flanders, made all arrangements and set up the whole affair, using facilities and rooms at Central Methodist University. Attendees came from Missouri, Louisiana, Texas, Kansas, New Mexico, Oklahoma, and Arizona.

Our own Arnold Parks and John Wright began the meeting with a presentation about their research on the Central West Conference. They highlighted the problem of African-American church records not being kept throughout the years. This problem was further highlighted by Robert Williams in his "state of the Archives and History" address at the banquet. John and Arnold will be participating in a conference on this very topic shortly. Great interest was generated about their forthcoming publication on the conference.

In a very hands-on level session, Dale Patterson addressed the retention schedule as published on the GCAH website. Many questions and discussions about best practices helped all participants to reevaluate their polices – or lack thereof. After an informal evening meal, Joy Flanders took the group on a walking tour of Central Methodist.

On Friday, Richard Seaton led a group in a discussion about local histories, church historians, etc. He came from a historian standpoint, rather than an archivist standpoint. At the same time, John Finley was talking with archivists about archival supplies and best practices – especially operating on the proverbial shoestrings we all recognize. He distributed samples of many archival supplies for participants, provided by vendors in the field.

Lunch on Friday was in Glasgow, Missouri at the United Methodist Church there. We shared in the history of that congregation and church, with tours, sharing of record books, and wonderful stories. Glasgow is a town rich in Civil War history, and

participants were treated to a large dose. A tour of local sites in Glasgow included the Community Museum, the EUB church building (used as a Christian Education building for the United Methodist congregation), and the Lewis Library. Participants were also given driving commentary as they endured the 12-mile, hot summer drive to and from Glasgow. The afternoon concluded with a tour around Fayette, with additional historical commentary.

The Friday night banquet was doubly-blessed with an annual report from Robert Williams and then a personification of Jacob Lanius by our own Cleo Kottwitz. The banquet had been opened to anyone in the conference to attend, but none came. There's a lesson in advertising to be learned here.

Saturday concluded the conference with a much anticipated session on digitizing archival information, and making information available on the internet. Dale Patterson led the session and very ably challenged and comforted those participating. It is a daunting journey into the unknown in many ways and he provided concrete tips on keeping it manageable and doable.

Next summer an Archives and History Convocation will be held in Oklahoma City. Doug Scott from the Indian Mission Conference provided preliminary information and a warm invitation to all. The next Archivists' Convocation will be two years hence in New Mexico.

TOWARD THE SETTING SUN
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This index is arranged alphabetically by author, and represents the work of many years of articles in this journal. It is not only an index, but a witness to the love for the church and its history, and a willingness to share that love with others. The inaugural issue of *Toward the Setting Sun* appeared in the Fall of 1982, as a part of our celebration of the Bicentennial of The Methodist Episcopal Church. With the exception of some years in the 1990s, it has appeared every fall and spring since.

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